

**CERTIFIED FOR PUBLICATION**  
**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**  
**FOURTH APPELLATE DISTRICT**  
**DIVISION THREE**

DONALD TILLEY,

Plaintiff and Appellant,

v.

CZ MASTER ASSOCIATION,

Defendant and Respondent.

G033470

(Super. Ct. No. 813213)

ORDER MODIFYING OPINION  
AND DENIAL OF PETITION FOR  
REHEARING; NO CHANGE IN  
JUDGMENT

It is ordered that the opinion filed herein on June 28, 2005, be modified in the following particular:

1. On page 2, in the second sentence of the first full paragraph, remove the word “argues” and replace with the word “argued.”
2. On page 2, in the first sentence of the second full paragraph, remove the word “that” and put the colon on the word “concluding.”
3. On page 3, in the first sentence of the first full paragraph, remove the word “then.”

4. On page 4, in the first full paragraph, remove the apostrophe from the word “perpetrator’s” so that it now reads “perpetrators.”
5. On page 4, in the second full paragraph, in the sentence that now reads: “As Tilley moved away from the truck with the keys,” remove the phrase “with the keys.”
6. On page 4, at the end of footnote 2, at the following sentence: “A word to the wise.”
7. On page 5, in the second full paragraph, in the phrase “about the Shack’s 1997 party,” change the apostrophe to read “Shacks’ 1997 party.”
8. On page 7, in the second full paragraph, the phrase that now reads: “against CZ is for premises liability, and asserts that” change it to read as follows: “against CZ was for premises liability, and asserted that.”
9. On page 9, in the third full paragraph, first sentence, remove “it reveals” and replace with “it turns out.”
10. On page 10, in the paragraph beginning with “With respect,” after the phrase “knew or should have known” add the word “assertion.”
11. On page 15, in the second full paragraph, the sentence that reads “The court specifically stated that it had,” remove the word “that.”
12. On page 15, in the last paragraph beginning with “Tilley’s suggestion,” remove the comma after the word “suggestion” and remove the comma after the word “hearing” Add a comma after the word “edification.”
13. On page 26, in the last paragraph, remove “(a).”
14. On page 27, at the top of the page, remove the comma after “parties” and remove “(b).”

This modification does not effect a change in judgment.

The petition for rehearing is DENIED.

BEDSWORTH, ACTING P. J.

I CONCUR:

FYBEL, J.